REMARKS

This is in response to the Office Action mailed on June 30, 2010. Claims 1-35 were pending in the application. With this amendment, claim 1 and 11 are amended, claims 21-35 are canceled, and the remaining claims are unchanged in the application.

On page 2 of the Office Action, the Examiner asserted that two documents on the information disclosure statement filed February 25, 2010, were not included. In particular, the Examiner stated that two "Japanese Applications" were not included. Applicant traverses this assertion. The information disclosure statement does not say that two "Japanese Applications" were included. Instead, the Information Disclosure Statement specifically identifies two Japanese Applications but indicates that the pages that are submitted are the "abstract only". These documents were submitted, and the Examiner has not asserted otherwise. Therefore, Applicants submit that the Information Disclosure Statement was in proper form and should be initialed by the Examiner. For the sake of simplicity, a new Information Disclosure Statement, including only those two abstracts, is resubmitted for the Examiner's consideration and initials.

At the bottom of page 2 and the top of page 3 of the Office Action, the Examiner rejected claims 1, 11, 19 and 24 under 35 U.S.C. §112, first paragraph. Applicant submits that the Examiner has not considered the arguments and amendments made in Applicant's most recent amendment filed on May 25, 2010. The Examiner's rejections are, in some cases, directed to language that was eliminated from the claims by Applicant's last amendment, and in some cases, states that no particular citation was made to the specification, when in fact, Applicant's last amendment actually cited, and quoted from, the present specification. Therefore, Applicant submits that the rejections should be withdrawn, as they are no longer applicable.

For instance, the Examiner indicated that the language "wherein the identification information for each entry in the index is provided to the index by the RFQ generator that generated the RFQ with which the entry is associated" that is found in claim 1 is not supported by the specification. The Examiner stated that no specific portions of the specification were cited to the Examiner. To the contrary, however, Applicant's last amendment (filed May 25, 2010),

actually cited, and quoted from the specification, particularly at page 20, lines 4-21. The Examiner did not make any reference to the quoted language or make any argument as to why this language does not support the claim limitation. Clearly, the language directly supports the claim limitation, and therefore, the rejection should be withdrawn.

The Examiner made the same rejection with respect to the language of claim 1 which states "by providing information requested in an RFQ template associated with the retrieved RFQ". Again, Applicant quoted from, and cited to, the present specification.

At the top of page 4 of the Office Action, under subsection c, the Examiner made a similar rejection with respect to claim 11. Applicant specifically cited, and quoted from, the specification to support the limitation. Therefore, this rejection should be withdrawn as well.

Under subsection d on page 4 of the Office Action, the Examiner rejected claim 11 based on the claim language "preparing the processor to receive the response…". Of course, this language was canceled by the amendment filed on May 25, 2010. Therefore, Applicant submits that the Examiner must not have considered the most recent amendment.

Under subsection e of the Office Action, the Examiner rejected claim 19 based on the language "the indexing information being provided by an RFQ generator at the requestor that generated the RFQ". Again, the Examiner stated that no specific portions of the specification were cited. This is contrary to Applicant's last amendment, which specifically cited to, and quoted from, the specification, in order to show support for this language. Thus, Applicant submits that, again, the Examiner must not have considered Applicant's last amendment.

The Examiner also rejected claim 24. Claim 24 has now been canceled.

At the top of page 5 of the Office Action, the Examiner rejected claims 1-6, 8-12, 15, 19-20, 23-29 and 32 under 35 U.S.C. §103 as being unpatentable over Hajmiragha US Patent No. 6,289,460 in view of Beran et al. US Publication No. 2002/0055888. Applicant respectfully traverse the Examiner rejection. Of the rejected claims, claims 1, 11 and 19 are independent claims. Claims 21-35 have been canceled.

Independent claim 1 is directed to a method that allows a processor at a replier to respond to an RFQ. The first step is that the processor at the replier accesses an index that is stored in a

first data store that is remotely located from the replier. The index has an entry for each RFQ that can be replied to. Each entry includes identifying information related to the RFQ that is indexed. The RFQ's themselves, are generated by an RFQ generator that is resident at a requestor, and the RFQs are stored at a data store that is remotely located from the first data store (that contains the index of RFQs). The identification information used in the index is provided by the RFQ generator that generated the RFQ that is being indexed. The processor at the replier identifies an RFQ for reply by selecting an entry in the index and retrieving the identified RFQ from the second data store and then replies to it. The Examiner has acknowledged that some of these elements are not found in either of the references cited by the Examiner, and the Examiner has also acknowledged that substantially this entire system is neither taught nor suggested by Hajmiragha.

Specifically, on page 8 of the Office Action, the Examiner acknowledged that neither Hajmiragha nor Beran teach that the RFQ generator is resident at one of the plurality of requestors. The Examiner then stated that this was "implied" by Beran. Applicant submits that the Examiner has not used the proper test in making a prima facie case of obviousness. The test for obviousness is not whether a reference "implies" some claim element, but whether it teaches or suggests that claim element. Thus, to simply say that some claim element is implied is simply not making a prima facie case of obviousness, and therefore the rejection should be withdrawn.

Notwithstanding the improper standard used in making the rejection, Applicant submits that Beran does not teach or suggest the cited claim element. In order to meet the claim element, (by implication), the Examiner cited paragraph 22 of Beran. Applicant traverses this rejection.

It should first be noted that Beran specifically states that user's of its system all access its system and "share central database 110". For instance, at paragraph 14, Beran specifically states "user's from multiple agencies 112 and vendors 114 are handled by the commerce system 100 and share the central database 110." Beran also makes abundantly clear that the modules of system 100 (used by the agencies) are "within" system 100. That is, they are not resident on any of the agencies or requestors. Instead, they are internal to system 100, and all of these modules read to or write from central database 110. For instance, at paragraph 16, Beran states "FIG. 2

depicts the deferred software modules and their configuration within the Internet commerce system 100. Preferably, each module performs a separate function that writes to or reads from the central database 110 as needed." Far from teaching or suggesting that any of these modules are resident at a requestor, this language all specifically teaches and suggests that the modules are within system 100, and local to database 110. In order to access these modules, Beran makes clear that agencies must log into the system using login module 204. See paragraph 18. This further suggests that all of these modules are within system 100 and local to database 110.

In order to support the assertion that the RFQ generator is resident at a requestor, the Examiner cited paragraph 22 quoting the language "the agency requisitioner module 208 enables the user to produce and transmit a request for the purchase of particular goods and services…". Of course this simply teaches that an agency requisitioner module 208 can be used by a user to produce and transmit a request. It neither teaches, nor suggests, nor even hints, that module 208 is resident at the requestor's system. In fact, in light of the citations from Beran mentioned above, it is clear that this module is not resident at the requestor. Thus, Applicant traverses the Examiner's rejection. As the Examiner has acknowledged, neither of the references teach that the RFQ generator is resident at the requestor and in fact, neither of the references, either alone or in combination, teach or even suggest this. Therefore, Applicant submits that independent claim 1 is allowable for this reason alone.

At the bottom of page 6 of the Office Action, the Examiner also acknowledged that Hajmiragha does not teach that the RFQ generator that generated the RFQ and stored the RFQ also provides the index information to another data store that is remote from the data store where the RFQ is stored. In order to meet these limitations, the Examiner cited paragraphs 22 and 26 of Beran. Applicant respectfully traverses this rejection as well.

Paragraphs 22 and 26 of Beran make it abundantly clear that the RFQ, and any index to generate an RFQ are all stored in the same data store (central database 110). For instance, even the paragraphs cited by the Examiner state that the venders must access system 100 to view the RFQs. Therefore, the RFQs must be stored in central database 110. See paragraph 22, which states "…the vendor access module 214 enables users representing vendors to access the

commerce system 100 and view awards that have been made". Thus, since all of the modules in system 100 share central database 110, the RFQs must be stored in central database 110 in system 100. Similarly, paragraph 26 states that system 100 creates index entries according to "the systems internal indexing scheme" and stores them "into its own index...". Since the system uses central database 110, it is also therefore clear that the index to the RFQs is stored in central database 110. Thus, Beran makes it abundantly clear that the RFQs and the index to the RFQs are both stored in central database 110. Thus, even the language cited by the Examiner refutes the assertion that the index to the RFQs is stored in a database separate from the RFQs themselves. Therefore, Applicant submits that Beran does not teach or suggest these elements.

More specifically, independent claim 1 states "wherein the index is stored in a first data store in a remotely located computer storage media, the first data store being remote from the replier, ...each of the RFQs being generated by an RFQ generator that is resident at one of a plurality of requestors and each of the RFQs being stored at one of a plurality of data stores remotely located from the first data store...". Because the references fail to teach or suggest these limitations, Applicant submits that independent claim 1 is allowable for this reason as well.

Independent claim 11 is drawn to a method that solicits a response to an RFQ generated by a requestor. The method includes entering job information into a predetermined RFQ template and saving an RFQ template at a predetermined location in a data store local to the computer system of the requestor, and sending index information related to the RFQ template to an index remote from the computer system of the requestor, when the RFQ template is saved at the local data store at the requestor and without prompting from the remote index. The remote index is accessible by suppliers and entries in the index identify an RFQ for which the requestor solicits a response. The indexing information identifies the data store where the RFQ template is stored.

The Examiner cited Hajmiragha as meeting all of these limitations except "entering the job information into a predetermined RFQ template...". Applicant respectfully traverses the Examiner's rejection. First, Hajmiragha does not teach any type of RFQ template. Similarly,

Hajmiragha does not teach that an RFQ template is generated by a requestor and stored on a data store local to the requestor, while it is indexed at a remotely located index.

Instead, Hajmiragha teaches a collaborative document which can be checked out and worked on by various users. The cited portion of Hajmiragha states that the document may be an external document that is not within the system of document manager 21 but it can be indexed by document manager 21. Of course, this neither teaches nor suggest that a computer system at a requestor that generates and stores an RFQ in a local data store (local to the requestor) also sends indexing information for the RFQ to an index remote from the computer system, without prompting from the remote index. In fact, it would appear that Hajmiragha teaches directly the opposite. It appears that the document manager 21 in Hajmiragha performs all of the indexing, itself. Hajmiragha specifically states "a copy of the document is temporarily copied to the document manager 21 during the content indexing process and deleted upon the process completion." It thus appears that document manager 21 generates its own indexing information and stores the index local to itself. This is in direct contrast to the claim language of independent claim 11. Thus, Applicant submits that Hajmiragha neither teaches nor suggests the limitations ascribed to it by the Examiner. Applicant thus submits that independent claim 11 is allowable.

More specifically, independent claim 11 includes "using the processor to save the RFQ template at a predetermined location in a data store local to a computer system at the requestor…using the processor to send indexing information related to the RFQ template to an index remote from the computer system of the requestor when the RFQ template is saved at the data store local to the requestor without prompting from the remote index…". These limitations are simply neither taught nor suggested by the references cited by the Examiner. Therefore, Applicant submits that independent claim 11 is allowable as well.

Independent claim 19 is drawn to a method for maintaining an index of RFQs, each of the RFQs being generated by a requestor. The method includes receiving indexing information for each RFQ from the requestor without prompting from the requestor, wherein the indexing information is provided by the RFQ generator at the requestor that generated the RFQ and is indicative of the RFQ stored at a requestor data store local to a computer system at the requestor.

 The method also includes entering index entries in a data store on a computer storage media remote from the requestor for each RFQ based on the index information. The index information indicates a category of a corresponding RFQ and a location of the corresponding RFQ on the requestor data store.

At the bottom of page 14 of the Office Action, the Examiner acknowledged that Hajmiragha does not teach that the indexing information is provided by an RFQ generator, at the requestor that generated the RFQ. In order to meet this limitation, the Examiner again cited paragraphs 22 and 26 of Beran. However, Beran simply does not teach or suggest this. There is no teaching or suggestion, whatsoever, that Beran has a requisitioner module 208 resident on a requestor's computer system. Instead, as discussed above, Beran specifically makes it clear that all of its modules are within system 100, all of them require a requestor to log into the system, and all of them use central database 110. In fact, even the language cited by the Examiner in paragraph's 22 and 26 makes it clear that both the RFQ and the index are stored in the same data store 110. Paragraph 22 specifically states that vendors access system 100 (and therefore central database 110) to view the RFQs. Paragraph 26 states that system 100 has its own index (which also must be stored on central database 110). Thus, there is no teaching or suggestion, whatsoever, that index information is provided by an RFQ generator "at the requestor" that generated the RFQ (and where the RFQ is stored locally) to an indexing system that generates entries in an index in a data store remote from the requestor computer system. This is simply neither taught nor suggested by Beran. Therefore, Applicant submits that Beran fails to teach or suggest the elements ascribed to it by the Examiner.

Specifically, independent claim 19 includes "using the processor to receive indexing information for each RFQ from the requestor without prompting from the requestor, the indexing information being provided at an RFQ generator at the requestor that generated the RFQ and being indicative of the RFQ stored at a requestor data store local to a computer system at the requestor; and using the processor to enter an entry in the index in a data store on a computer storage media remote from the requestor computer system for each RFQ based on the index

information…". Since the references fail to teach or suggest these elements, Applicant submits that independent claim 19 is allowable.

The Examiner rejected the remaining pending claims based on various combinations of Hajmiragha, Beran, Hon et al. US Publication No. 2002/0052807, and Hiemermann et al. US Patent No. 7,110,976. Neither of these two additional references remedy the deficiencies of Hajmiragha and Beran, and the Examiner has not asserted otherwise. Therefore, Applicant submits that these claims are allowable as well.

In conclusion, Applicant submits that independent claims 1, 11 and 19 are allowable over the references cited by the Examiner. Applicant further submits that dependent claims 2-10, 12-18 and 20, which depend either directly or ultimately from the independent claims, are allowable as well. Reconsideration and allowance of claims 1-20 are respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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